

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ANNEMARIE WILEY,

Plaintiff,

v.

AMERICAN SOCIETY OF
ANESTHESIOLOGISTS, INC.,

Defendant.

Case No.:

**COMPLAINT AND DEMAND FOR JURY
TRIAL**

COMPLAINT

Plaintiff Annemarie Wiley, in support of her Complaint against Defendant American Society of Anesthesiologists, Inc. (“ASA”) alleges as follows:

NATURE OF THE ACTION

1. This is an action arising from Defendant ASA’s defamatory and harmful social media post in which it falsely stated or implied that Mrs. Wiley—a California-licensed, board-certified nurse anesthetist and a former cast member on the reality television show, *The Real Housewives of Beverly Hills*—called herself an “anesthesiologist” and/or a “medical doctor,” and engaged in “title misappropriation.” These statements are patently false and have caused immeasurable harm to Mrs. Wiley’s reputation, including her professional reputation as a nurse anesthetist, and her well-being.

2. More specifically, and as set forth in greater detail below, in *Bitter Pill to Swallow*, Season 13, Episode 12 of *The Real Housewives of Beverly Hills* (the “Episode”) and *The Real Housewives of Beverly Hills After Show* (the “RHOBH After Show”) that followed, both of which

aired on January 17, 2024, Mrs. Wiley was falsely accused by a cast member, Crystal Kung Minkoff, of previously calling herself an “anesthesiologist” and/or a “medical doctor.” Throughout the Episode and the *RHOBH After Show*, however, Mrs. Wiley expressly denied accusations that she called herself an “anesthesiologist” and/or a “medical doctor.” Rather, Mrs. Wiley repeatedly stated that she is a “board-certified nurse anesthetist.”¹ She further noted, “it is an extremely difficult and challenging profession. Why would I lie about that?”²

3. Corroborating Mrs. Wiley’s statements during the *RHOBH After Show*, another cast member, Dorit Kemsley, stated she has “heard [Mrs. Wiley] from the very beginning, always, always” say that she “is a nurse anesthetist. And when people have mistaken it, [she has] heard [Mrs. Wiley] correct them.”³

4. Notwithstanding Mrs. Wiley’s consistent denial throughout the Episode and *RHOBH After Show* that she claimed to be an “anesthesiologist” and/or a “medical doctor,” on January 18, 2024, Defendant ASA maliciously posted to its Instagram account, @asa_hq, the statement, “[t]he Real Housewives know a fake. Anesthesiologists are medical doctors with more than 12 years of higher education and up to 16,000 hours of clinical training. Title misappropriation has no place in health care. #RHOBH #anesthesiologist #anesthesiologists #physician” (the “Instagram Post”).

¹ *The Real Housewives of Beverly Hills: Bitter Pill to Swallow* (Bravo television broadcast Jan. 17, 2024), at 0:27:38-45; Bravo, *Annemarie Says She Was “Warned” Sutton Would Yell At Her | RHOBH After Show Part 1 (S13 E12)* | Bravo, YOUTUBE (Jan. 17, 2024), <https://www.youtube.com/watch?v=vCTngJNNzNY>, at 0:04:47

² *Id.* at 0:40:38-42.

³ Bravo, *Annemarie Says She Was “Warned” Sutton Would Yell At Her | RHOBH After Show Part 1 (S13 E12)* | Bravo, YOUTUBE (Jan. 17, 2024), <https://www.youtube.com/watch?v=vCTngJNNzNY>, at 0:06:55-0:07:07.

5. Although Defendant ASA did not identify her by name, the Instagram Post undoubtedly was about Mrs. Wiley. Indeed, Defendant ASA published the Instagram Post only one day after the television network, Bravo Media, LLC (“Bravo”), aired the Episode and *RHOBH After Show*, and tagged the post “#RHOBH,” the well-known abbreviation for *The Real Housewives of Beverly Hills*. Further, the Instagram comments and media coverage following the Instagram Post consistently characterized the Instagram Post as being about Mrs. Wiley.

6. The Instagram Post’s clear implication that Mrs. Wiley, a board-certified nurse anesthetist, called herself an “anesthesiologist” and/or a “medical doctor” and engaged in “title misappropriation” is categorically and demonstrably false.

7. Defendant ASA, a professional organization for physicians in the field of anesthesiology, chose to wield its tremendous power and influence to destroy Mrs. Wiley’s reputation, including her professional reputation as a nurse anesthetist, after the Episode aired. It was successful. Indeed, the sensational Instagram Post—which remains posted on Defendant ASA’s Instagram page as of the date of the filing of this Complaint—has garnered over 8,700 likes, over 2,100 comments, and over 8,400 shares, far eclipsing the engagement on Defendant ASA’s other Instagram posts.

8. Several media outlets immediately seized upon the Instagram Post with headline-grabbing articles, such as: “Annemarie Wiley is Called Out by American Society of Anesthesiologists for ‘Title Misappropriation’ Amid Claims About Her Profession on RHOBH,

See Their Scathing Statement,”⁴ and “Annemarie Wiley’s MEDICAL LIES Called Out by the American Society of Anesthesiologists!”⁵

9. Further, during *Watch What Happens Live with Andy Cohen*, a national talk show with significant viewership, *The Real Housewives of Beverly Hills* cast member Sutton Stracke, celebrated Defendant ASA for its public reprimand of Annemarie, stating, “yay for whatever that association is that got her.”⁶

10. Unsurprisingly, Mrs. Wiley has suffered and will continue to suffer immense harm as a direct result of Defendant ASA’s conduct. By falsely stating or implying that Mrs. Wiley, a nurse anesthetist, called herself an “anesthesiologist” and/or a “medical doctor” and engaged in “title misappropriation,” Defendant ASA implied, at best, that Mrs. Wiley is dishonest, unethical and lacks integrity, and at worse, has engaged in unlawful conduct.

11. Indeed, a patient at the surgery center where Mrs. Wiley was employed at the time of the Instagram Post voiced concern that Mrs. Wiley would be administering her anesthesia, stating that she thought Mrs. Wiley’s license had been revoked. This incident made clear that Defendant ASA’s claim that Mrs. Wiley is “a fake” who claimed to be an “anesthesiologist” and/or a “medical doctor,” and engaged in “title misappropriation,” conveyed to the public that Mrs.

⁴ Lindsay Cronin, *Annemarie Wiley is Called Out by American Society of Anesthesiologists for “Title Misappropriation” Amid Claims About Her Profession on RHOBH, See Their Scathing Statement*, REALITYBLURB! (Jan. 20, 2024), <https://realityblurb.com/2024/01/20/annemarie-wiley-is-called-out-by-american-society-of-anesthesiologists-for-title-misappropriation-amid-claims-about-her-profession-on-rhobh-see-their-scathing-statement/>.

⁵ Raissa Asunbo, *Annemarie Wiley’s MEDICAL LIES Called Out by the American Society of Anesthesiologists!*, All About the Tea (Jan. 21, 2024), <https://allaboutthetea.com/2024/01/21/annemarie-wileys-medical-lies-called-out-by-the-american-society-of-anesthesiologists/>.

⁶ Watch What Happens Live With Andy Cohen, *Kaitlan Collins Thinks Heather Dubrow Would Be Great at Politics | WWHL*, YOUTUBE (Feb. 7, 2024), <https://www.youtube.com/watch?v=OlcvHgtBODs>, at 0:36.

Wiley is unethical, dishonest, and unfit for her profession. Mrs. Wiley was mortified by this incident, to say the least.

12. As a result of Defendant ASA's false and defamatory statements, Mrs. Wiley has suffered and continues to suffer harm to her reputation, including her professional reputation, financial loss, and business opportunity losses.

13. The Instagram Post also has taken a severe toll on Mrs. Wiley's mental health, causing her mental anguish and distress. Indeed, Mrs. Wiley has been subject to public hatred, contempt, humiliation, and ridicule, at times in the presence of her three young children, all of which have led to a steep decline in Mrs. Wiley's mental health and well-being. Mrs. Wiley has received thousands of accusatory and harassing messages on Instagram in response to Defendant ASA's false and defamatory Instagram Post.

14. In the aftermath of Defendant ASA's misconduct and the repercussions of the Instagram Post described above, Mrs. Wiley had to seek medical attention from a psychiatrist and was ultimately diagnosed with anxiety, depression, and nightmare disorder, for which she is currently taking medication. In addition, she receives ongoing counseling from a therapist.

15. Defendant ASA published the Instagram Post with actual malice. Defendant ASA's statements are false, and made with reckless disregard for the truth. At the time of publication, Defendant ASA not only failed to investigate its statements or the reliability of its sources, it published the statements with urgency on social media intending the Instagram Post to go viral, which it did.

16. Given Defendant ASA's use of the hashtag "#RHOBH" on the Instagram Post, it was aware of the Episode and the *RHOBH After Show*, during which Mrs. Wiley said she is a nurse anesthetist and denied telling Mrs. Minkoff that she is an "anesthesiologist." Yet, Defendant ASA

took full advantage of the enormous strength of its standing in the medical community to state that Mrs. Wiley called herself an “anesthesiologist” and/or a “medical doctor” and engaged in “title misappropriation,” with knowledge that those statements are false or with reckless disregard for the truth of those statements.

17. Importantly, Mrs. Wiley agrees that some of the statements Defendant ASA included in the Instagram Post are true—specifically, the differences in education and training between nurse anesthetists and anesthesiologists. As a nurse anesthetist with years of experience working with anesthesiologists, she has immense respect for anesthesiologists and is the first to admit that she did not receive the same education or clinical training as an anesthesiologist.

18. But Mrs. Wiley is not “a fake,” as proven by her years of experience as a licensed, board-certified nurse anesthetist. And, she did not call herself an “anesthesiologist,” a “medical doctor” or “physician,” or engage in “[t]itle misappropriation,” as evidenced by her consistent, truthful representations on the Episode and the *RHOBH After Show* that she is a nurse anesthetist. Mrs. Wiley brings this defamation action to restore her reputation and recover the damages she incurred as a result of Defendant ASA’s false and defamatory Instagram Post.

PARTIES

19. Mrs. Wiley is an individual and a resident of the State of California. She is a California-licensed, Certified Registered Nurse Anesthetist (“CRNA”) or nurse anesthetist, a profession in which she has proudly worked for over a decade. Mrs. Wiley also was a cast member on the thirteenth season of *The Real Housewives of Beverly Hills*, which aired on Bravo from October 25, 2023 to March 13, 2024.

20. Upon information and belief, Defendant ASA is a corporation organized under the laws of the State of New York, with its principal place of business in Schaumburg, Illinois. Upon

information and belief, Defendant ASA promotes itself as an educational, research and scientific association of more than 54,000 physicians organized to raise the standards of the medical practice of anesthesiology and to improve patient care. Upon information and belief, on January 18, 2024, Defendant ASA knowingly or recklessly published the false and defamatory Instagram Post about Mrs. Wiley.

JURISDICTION AND VENUE

21. This Court has jurisdiction over the subject matter of this case pursuant to 28 U.S.C. § 1332(a) as the parties are diverse, and the amount in controversy is greater than seventy-five thousand dollars (\$75,000).

22. Defendant is, and has been, conducting continuous and systematic business in the State of Illinois by operating its headquarters and promoting its services within the State and within the boundaries of the Northern District of Illinois.

23. This Court has personal jurisdiction over Defendant because it has its principal place of business, and is doing business in this judicial district, and because it has committed the acts hereinafter complained of in the Northern District of Illinois.

24. Venue is appropriate in this district in accordance with 28 U.S.C. § 1391(b) and (c).

STATEMENT OF FACTS

The Real Housewives of Beverly Hills, Season 13, Episode 12 - Bitter Bill to Swallow

25. *The Real Housewives of Beverly Hills* is a reality television series which has been broadcast on Bravo since October 14, 2010. The television series follows the professional and personal lives of women who live in or near Beverly Hills, and, upon information and belief, is one of the highest-rated and most-watched programs on Bravo. Mrs. Wiley, who was a cast

member on Season 13, is the only cast member providing health care as a nurse anesthetist and the second Black woman to ever appear on the show in its 14-year history.

26. On January 17, 2024, Bravo aired *Bitter Pill to Swallow* on Season 13, Episode 12 of *The Real Housewives of Beverly Hills*, which featured false allegations about Mrs. Wiley's previous representation of her professional title.

27. Specifically, cast member Crystal Kung Minkoff made the false accusation that Mrs. Wiley had, in the past, misrepresented herself as an "anesthesiologist" and/or a "medical doctor." However, Mrs. Wiley expressly denied these allegations. Indeed, throughout her participation on *The Real Housewives of Beverly Hills*, Mrs. Wiley consistently maintained that she is "a board-certified nurse anesthetist"⁷ or a "nurse anesthetist."⁸

28. In addition, in the *RHOBH After Show* that aired after the Episode, also on January 17, 2024, Mrs. Wiley again reiterated that she is, and called herself, a nurse anesthetist.⁹

29. Fellow cast member Dorit Kemsley corroborated Mrs. Wiley's statements, noting that she "heard [Mrs. Wiley] from the very beginning" say that she "is a nurse anesthetist. And when people have mistaken it, [she had] heard [Mrs. Wiley] correct them."¹⁰

⁷ *The Real Housewives of Beverly Hills: Bitter Pill to Swallow* (Bravo television broadcast Jan. 17, 2024), at 0:27:38-45

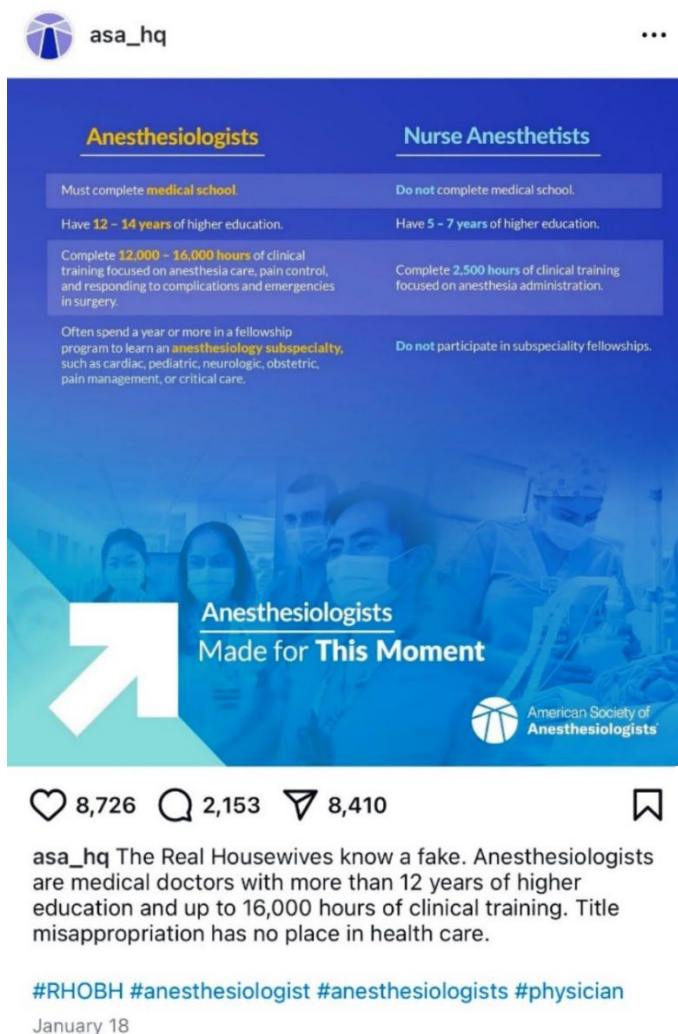
⁸ *Id.* at 0:40:35.

⁹ Bravo, *Annemarie Says She Was "Warned" Sutton Would Yell At Her | RHOBH After Show Part 1 (S13 E12)* | Bravo, YOUTUBE (Jan. 17, 2024), <https://www.youtube.com/watch?v=vCTngJNNzNY>, at 0:05:16; 0:05:40-0:05:53.

¹⁰ *Id.* at 0:07:05.

The False and Defamatory Instagram Post

30. On January 18, 2024, one day after the Episode and the *RHOBH After Show* aired—relying on false statements made by Mrs. Minkoff during the Episode and completely disregarding the statements made by Mrs. Wiley and Mrs. Kemsley refuting Mrs. Minkoff’s statements—Defendant ASA maliciously posted the below Instagram Post, which included the statements “[t]he Real Housewives know a fake. Anesthesiologists are medical doctors with more than 12 years of higher education and up to 16,000 hours of clinical training. Title misappropriation has no place in health care. #RHOBH #anesthesiologist #anesthesiologists #physician[.]”





31. Although Mrs. Wiley is not mentioned by name, Defendant ASA references “[t]he Real Housewives,” and includes as a hashtag to the post the well-known abbreviation of *The Real Housewives of Beverly Hills*, “#RHOBH.” Indeed, from the more than 2,100 comments to the Instagram Post, it is clear that the public immediately recognized that the Instagram Post referred to Mrs. Wiley.



32. Unsurprisingly, the Instagram Post set off a media firestorm in which news outlets identified Mrs. Wiley as the subject of the Instagram Post, and published articles with salacious titles that claimed Defendant ASA “Called Out” Mrs. Wiley for “Title Misappropriation” in a “Scathing Statement.”

33. The Instagram Post’s clear implication that Mrs. Wiley, a board-certified nurse anesthetist, is a “fake” who called herself an “anesthesiologist” and/or a “medical doctor,” and engaged in “title misappropriation” is categorically and demonstrably false and defamatory.

34. Defendant ASA knew its statements were false, or acted with reckless disregard for the truth of its statements. Indeed, numerous third parties who viewed the Instagram Post left comments exposing its falsity and the “disgusting,” “irresponsible,” and “unprofessional” nature of Defendant ASA’s statements as follows:

 bravohou  9w
Annemarie never called herself an anesthesiologist. She said she was a nurse anesthetist.



 peggy  9w
Annemarie Wiley said twice and I quote, "I'm a board certified nurse Anesthetist".



■ rachh ■ 9w

Absolutely delete this post. That woman always said she was a nurse. A professional organization using its platform to feed into shading a Black woman is distasteful

Reply

♡
11

■ isitsummer ■ 9w

I heard her say she's a nurse anesthetist. What did I miss?

Reply

♡
4

■ montego ■ 50w

Fire this social media rep

Reply ***

■ montego ■ 50w

This is so unprofessional, ASA. She never said she was an anesthesiologist.

■ snewton ■ 50w

@asa_hq Annemarie NEVER said that she was a Doctor! Why is any "professional" organization posting something like this. This is low brow. And more often than not CRNA's are more skilled practitioners than the Anesthesiologist.

8 likes Reply ***

■ nicki ■ 49w

This from the page of a "professional" organization is trashy. What is fake about a CRNA? What's fake is whatever hater posted this caption. You can post to educate on the differences without the shady elitist comments. It's truly disgusting.

♡

■ blkqu ■ 50w

There's no proof of her ever calling herself a anesthesiologist. This is so tacky and belittling of the nurse profession

■ empress ■ 49w

ASA you need to take this down. As a health professional in England, we know posting this rubbish on social media will lower the publics perception and trust in the profession. Why are you shaming your own colleagues? This is unprofessional.

♡

Reply

ilove [REDACTED] 49w

Also. Why are we taking Crystal's word as gospel??? Is there no world in which she is remembering the conversation incorrectly?? Trust and believe that Annemarie should be a one and done but she is VERY proud of being a CRNA. Can't see her lying about it. 🤔



pamela [REDACTED] 48w

The sad part on this take is the people this will affect the most are the patients who will lose trust in the CNAs who are providing them care during surgery. And those patients don't get to choose who their provider is. So there will be tons of worried patients going off to sleep. This is so irresponsible

camilo [REDACTED] 48w

Such a tasteless post

canal [REDACTED] 48w

EMBARRASSING! instead of getting involved in a reality TV show focus on the REAL issues in healthy 🙄🙄🙄🙄

thereal [REDACTED] 49w

This is disgusting.

Never would I have thought that we would try so hard to prioritize disregarding each model of practice & being so hateful instead of focusing on better patient care.

greekguy [REDACTED] 48w

From a professional organization, this post is petty and unprofessional. What a way to alienate an entire group of colleagues.

kiki [REDACTED] 48w

Very unprofessional of you to engage in this reality tv nonsense. To deliberately partake in adding to the hate that gets piled on Black women on social media everyday is shameful. You would not have involved yourself if Annemarie were white.



_georgie [REDACTED] 49w

This post is beyond disappointing and so unbelievably unprofessional.

meagan [REDACTED] 49w

Tackiness gets clicks, right?! This post is so unprofessional. Also, did you even watch the show?

anna [REDACTED] 49w

This is a professional organization account?

mari 49w

This is so petty and unprofessional to post...

defining 48w

This statement is very divisive. For a governing body or professional association to put this much emphasis over a reality show is disgraceful.



yss 49w

This is extremely distasteful. We are colleagues who work together in order to provide safe and effective anesthesia. And this is what you post- Using the term fake? I'm disgusted.

patrick 49w

This is gross.

vana 49w

How pathetic and embarrassing of the ASA to stoop to this level!! As a CRNA, not one of the Anesthesiologists that I work with or trained with would ever POST something like this! Disgusting and you should be ASHAMED of yourself!!

cal 50w

These feels like degree shaming, she never claimed to go to medical school. Get a life

biddy 50w

Yeah, but are Nurse Anesthetists as petty as this organization? I'd say no.

light 50w

This post alone show the utter IGNORANCE of some medical professionals. Inserting yourself when you obviously did not get a good picture of what she actually said, shows your obvious bias towards CRNAs and let's just say it. Your unconscious bias towards Black women in these professions. I'm completely disgusted that this society would cyber bully a colleague. This shows your unprofessionalism and your blatant racism. Do better.

10 likes Reply


gen [REDACTED] 50w

Denigration of other medical professionals has no place in healthcare. There. I fixed it for you.

asan [REDACTED] 50w

This is tacky. Get it together ASA. Are you professional or not because now I'm confused?

kiki [REDACTED] 48w

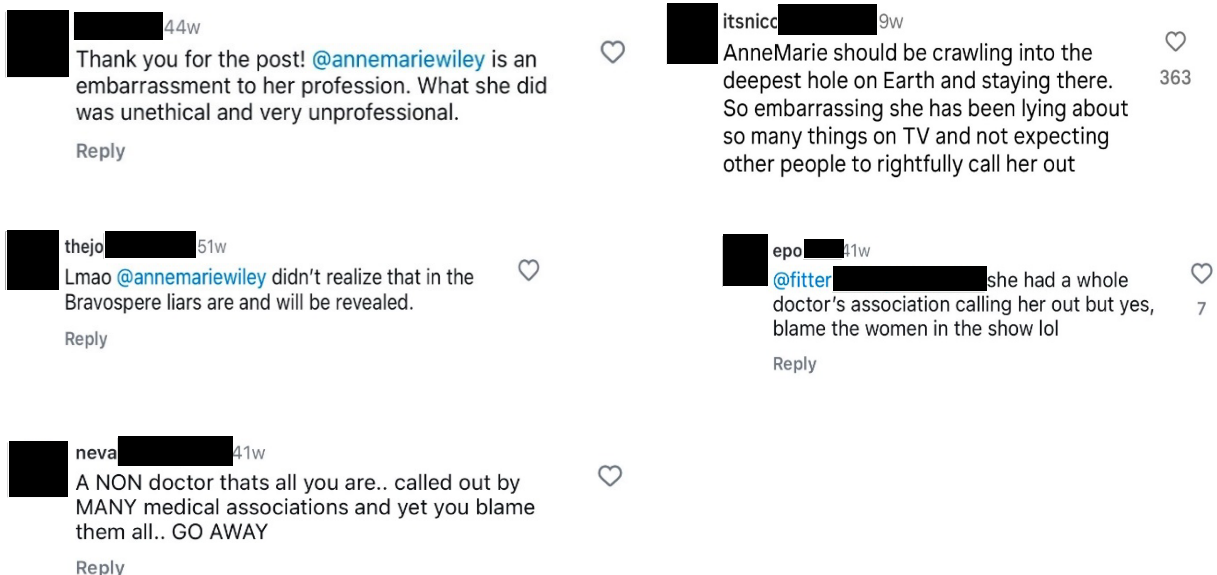
Very unprofessional of you to engage in this reality tv nonsense. To deliberately partake in adding to the hate that gets piled on Black women on social media everyday is shameful. You would not have involved yourself if Annemarie were white. 

35. On January 18, 2024, the same day Defendant ASA published the Instagram Post, Mrs. Wiley also publicly refuted Defendant ASA's false and defamatory statements on her own Instagram page, @annemariewiley, confirming that she is a CRNA, is "extremely proud of [her] profession," has "immense respect for anesthesiologists" and that she is not, never claimed to be, and never represented herself as an anesthesiologist and/or medical doctor, stating as follows:

I do not condone the ASA's defamation campaign. I am a CRNA, a Certified Registered Nurse Anesthetist. I am extremely proud of my profession. I will not be accused of title misappropriation because a cast mate needed a storyline on a reality tv show. This is my real life and my career. I am not an Anesthesiologist, nor have I ever claimed to be one. I have immense respect for physician anesthesiologists, and I ask that the ASA, and other Anesthesiologists, show respect to CRNAs as well. This type of unhealthy discourse only causes friction and professional division. Political issues exist between between physician anesthesiologists and CRNAs, which explains their current attack on me and the CRNA profession. Our goal as anesthesia providers should always be working together in order to best serve our patients, not competing with one another. My aim is to educate the pubic on who CRNA's are and what we do in providing the highest quality of anesthesia care to those we serve.

36. Instead of deleting the Instagram Post, Defendant ASA completely disregarded Mrs. Wiley's public statement, ignored comments from third parties informing it of the falsity of its statements and criticizing its conduct, and left up the Instagram Post, where it remains publicly viewable to this day. To date, the Instagram Post is one of the most, if not *the* most liked, commented upon, and shared post on Defendant ASA's Instagram account. By way of example only, another January 18, 2024 Instagram post by Defendant ASA (made prior to the Instagram Post about Mrs. Wiley), garnered only 358 likes, no comments, and 48 shares. Defendant ASA's January 19, 2024 Instagram post garnered only 149 likes, 20 comments, and 22 shares.

37. Although numerous third parties who read the Instagram Post commented to Defendant ASA that its statements were demonstrably false, others fell for Defendant ASA's fabrications, as reflected by the below examples:



38. Defendant ASA's misconduct has had a devastating impact on Mrs. Wiley's reputation and career as a respected nurse anesthetist and has caused some people, including patients, to mistakenly believe that the Instagram Post was a professional reprimand and/or that

her license has been revoked. As a result of Defendant ASA's defamatory statements, Mrs. Wiley has suffered and continues to suffer harm to her reputation, including professional reputation, financial loss, and business opportunity losses.

39. Defendant ASA's defamatory statements also have caused Mrs. Wiley severe anguish. After Defendant ASA publicized its Instagram Post, Mrs. Wiley was subject to public vitriol, contempt, and ridicule, often in the presence of her young children, which only compounded her distress and humiliation. Because of Defendant ASA's misconduct and the resulting public attention described above, Mrs. Wiley was diagnosed by a psychiatrist with anxiety, depression, and nightmare disorder, for which she is currently taking medication, and she receives ongoing therapy.

FIRST CAUSE OF ACTION
DEFAMATION *PER SE*

40. Mrs. Wiley repeats, realleges, and incorporates by reference each paragraph set forth in Paragraphs 1 through 39, as if fully set forth herein.

41. On January 18, 2024, Defendant ASA maliciously uploaded the Instagram Post to its Instagram account, @asa_hq, with a caption stating that “[t]he Real Housewives know a fake. Anesthesiologists are medical doctors with more than 12 years of higher education and up to 16,000 hours of clinical training. Title misappropriation has no place in health care. #RHOBH #anesthesiologist #anesthesiologists #physician[.]” and tagging the Instagram Post with the well-known abbreviation for *The Real Housewives of Beverly Hills*.

42. Mrs. Wiley was a cast member on *The Real Housewives of Beverly Hills* at the time Defendant ASA published the Instagram Post, and the only member on the show providing health care as a nurse anesthetist. Indeed, viewers of the Instagram Post immediately recognized that the Instagram Post was about Mrs. Wiley.

43. Through the Instagram Post, Defendant ASA has publicly made defamatory statements alleging that Mrs. Wiley, a board-certified nurse anesthetist, called herself an “anesthesiologist” and/or a “medical doctor” and engaged in “title misappropriation.” Even though these statements are patently false, Defendant ASA nonetheless published them to thousands of viewers without investigating the statements or the reliability of its sources.

44. Defendant ASA’s statements are knowingly false. Defendant ASA intentionally referenced the hashtag “#RHOBH,” the well-known abbreviation of *The Real Housewives of Beverly Hills*, the show on which Mrs. Wiley stated she is a nurse anesthetist and refuted allegations that she had called herself an “anesthesiologist” and/or a “medical doctor.” Yet Defendant ASA nonetheless stated that Mrs. Wiley called herself an “anesthesiologist” and/or a “medical doctor” and engaged in “title misappropriation,” with knowledge that its statements are false and/or made with reckless disregard for the truth. Additionally, despite being corrected by viewers and Mrs. Wiley herself, Defendant ASA never removed the Instagram Post, where it remains publicly viewable to this day as one of, if not *the* most liked, commented on, and shared posts on Defendant ASA’s Instagram account.

45. Reasonable, ordinary and/or average viewers could, and have in fact, understood Defendant ASA’s statements to mean, as a matter of fact, that Mrs. Wiley called herself an “anesthesiologist” and/or a “medical doctor” and engaged in “title misappropriation,” and that, in doing so, Mrs. Wiley is, at best, dishonest, unethical, and lacks integrity; or at worst, has engaged in unlawful conduct. This is evident from the comments left by viewers on Defendant ASA’s Instagram Post, as well as Mrs. Wiley’s interactions with patients who believed that the Instagram Post was a professional reprimand and/or that her license was revoked by Defendant ASA.

46. Defendant ASA's statements are defamatory *per se*, as they injured Mrs. Wiley in respect to her occupation and professional reputation. Defendant ASA's statements have exposed and continue to expose Mrs. Wiley to hatred, contempt, ridicule, and obloquy, have caused her to be shunned or avoided, and have injured her in her occupation and business.

47. Mrs. Wiley has suffered and continues to suffer severe emotional and mental distress as a result of Defendant ASA's defamatory statements. As a result of Defendant ASA's defamatory statements, Mrs. Wiley was diagnosed with anxiety, depression, and nightmare disorder, for which she is currently taking medication. In addition, she receives ongoing counseling from a therapist.

48. As a result of Defendant ASA's defamatory statements, Mrs. Wiley has also suffered and continues to suffer harm to her professional reputation, financial loss, and business opportunity losses.

49. Defendant ASA's statements are not protected by any privilege.

50. Defendant ASA's conduct was and is willful, wanton and malicious such that punitive damages should also be awarded.

SECOND CAUSE OF ACTION
DEFAMATION *PER QUOD*

51. Mrs. Wiley repeats, realleges, and incorporates by reference each paragraph set forth in Paragraphs 1 through 50, as if fully set forth herein.

52. On January 18, 2024, Defendant ASA maliciously uploaded the Instagram Post to its Instagram account, @asa_hq, with a caption stating that "[t]he Real Housewives know a fake. Anesthesiologists are medical doctors with more than 12 years of higher education and up to 16,000 hours of clinical training. Title misappropriation has no place in health care. #RHOBH #

anesthesiologist #anesthesiologists #physician[.]” and tagging the post with the well-known abbreviation for *The Real Housewives of Beverly Hills*.

53. Mrs. Wiley was a cast member on *The Real Housewives of Beverly Hills* at the time Defendant ASA published the Instagram Post, and the only member on the show providing health care as a nurse anesthetist. Indeed, viewers of the Instagram Post immediately recognized that the Instagram Post was about Mrs. Wiley.

54. Through the Instagram Post, Defendant ASA has publicly made defamatory statements alleging that Mrs. Wiley, a board-certified nurse anesthetist, called herself an “anesthesiologist” and/or a “medical doctor” and engaged in “title misappropriation.” Even though these statements are patently false and do not meet any requisite legal standard of being substantially true, Defendant ASA nonetheless publicized them to thousands of viewers without investigating the statements or the reliability of its sources.

55. Defendant ASA’s statements are knowingly false. Defendant ASA intentionally referenced the hashtag “#RHOBH,” the well-known abbreviation of *The Real Housewives of Beverly Hills*, on which Mrs. Wiley stated she is a nurse anesthetist and refuted allegations that she had called herself an “anesthesiologist” and/or “medical doctor.” Yet Defendant ASA nonetheless stated that Mrs. Wiley called herself an “anesthesiologist” and/or a “medical doctor” and engaged in “title misappropriation,” with knowledge that its statements are false and/or with reckless disregard for the truth. Additionally, despite being corrected by viewers and Mrs. Wiley herself, Defendant ASA never removed the Instagram Post, where it remains publicly viewable to this day, and one of, if not *the* most liked, commented on, and shared posts on its Instagram account.

56. Reasonable, ordinary and/or average viewers could, and have in fact, understood Defendant ASA’s statements to mean, as a matter of fact, that Mrs. Wiley called herself an

“anesthesiologist” and/or a “medical doctor” and engaged in “title misappropriation,” and that, in doing so, Mrs. Wiley, at best, is dishonest, unethical, and lacks integrity; or at worst, has engaged in unlawful conduct. This is evident from the comments left by viewers on Defendant ASA’s Instagram Post, as well as Mrs. Wiley’s interactions with patients who believed that the Instagram Post was a professional reprimand and/or that her license was revoked by Defendant ASA.

57. To the extent that the trier of fact finds that Defendant ASA’s statements do not contain a defamatory charge directly and require explanatory matter, Defendant ASA’s statements are defamation *per quod* and the context and extrinsic facts required to understand the defamatory meaning are as described above.

58. Mrs. Wiley has suffered and continues to suffer severe emotional and mental distress as a result of Defendant ASA’s defamatory statements. As a result of Defendant ASA’s defamatory statements, Mrs. Wiley was diagnosed with anxiety, depression, and nightmare disorder, for which she is currently taking medication. In addition, she receives ongoing counseling from a therapist.

59. As a result of Defendant ASA’s defamatory statements, Mrs. Wiley has also suffered and continues to suffer harm to her professional reputation, financial loss, and loss of business opportunities.

60. Defendant ASA’s statements are not protected by any privilege.

61. Defendant ASA’s conduct was and is willful, wanton and malicious such that punitive damages should also be awarded.

THIRD CAUSE OF ACTION
DEFAMATION BY IMPLICATION

62. Mrs. Wiley repeats, realleges, and incorporates by reference each paragraph set forth in Paragraphs 1 through 61, as if fully set forth herein.

63. On January 18, 2024, Defendant ASA maliciously uploaded the Instagram Post to its Instagram account, @asa_hq, with a caption stating that “[t]he Real Housewives know a fake. Anesthesiologists are medical doctors with more than 12 years of higher education and up to 16,000 hours of clinical training. Title misappropriation has no place in health care. #RHOBH #anesthesiologist #anesthesiologists #physician[,] and tagging the post with the well-known abbreviation for *The Real Housewives of Beverly Hills*.

64. Mrs. Wiley was a cast member on *The Real Housewives of Beverly Hills* at the time Defendant ASA published the Instagram Post, and the only member on the show providing health care as a nurse anesthetist. Indeed, viewers of the Instagram Post immediately recognized that the Instagram Post was about Mrs. Wiley.

65. Through its caption, Defendant ASA has publicly made defamatory statements and/or implications of fact alleging that Mrs. Wiley, a board-certified nurse anesthetist, called herself an “anesthesiologist” and/or a “medical doctor” and engaged in “title misappropriation.” Even though these statements and/or implications are patently false and do not meet any requisite legal standard of being substantially true, Defendant ASA nonetheless publicized them to thousands of viewers without investigating the statements and/or implications or the reliability of its sources.

66. Defendant ASA’s statements and/or implications are knowingly false. Defendant ASA intentionally referenced the hashtag “#RHOBH,” the well-known abbreviation of *The Real Housewives of Beverly Hills*, on which Mrs. Wiley stated she is a nurse anesthetist and refuted

allegations that she had called herself an “anesthesiologist” and/or a “medical doctor.” Yet Defendant ASA nonetheless stated and/or implied that Mrs. Wiley called herself an “anesthesiologist” and/or a “medical doctor” and engaged in “title misappropriation,” with knowledge that its statements and/or implications are false or with reckless disregard for the truth. Additionally, despite being corrected by viewers and Mrs. Wiley herself, Defendant ASA never removed the Instagram Post, where it remains publicly viewable to this day, and one of, if not *the* most liked, commented on, and shared post on its Instagram account.

67. Reasonable, ordinary and/or average viewers could, and have in fact, understood Defendant ASA’s statements to mean, as a matter of fact, that Mrs. Wiley called herself an “anesthesiologist” and/or a “medical doctor” and engaged in “title misappropriation,” and that, in doing so, Mrs. Wiley, at best, is dishonest, unethical, and lacks integrity; or at worst, has engaged in unlawful conduct. This is evident from the comments left by viewers on Defendant ASA’s Instagram Post, as well as Mrs. Wiley’s interactions with patients who believed that the Instagram Post was a professional reprimand and/or that her license was revoked by Defendant ASA.

68. To the extent that the trier of fact finds that Defendant ASA does not make a direct defamatory statement, Defendant ASA’s statements constitute defamation by implication. By making the Instagram Post, Defendant ASA intended to convey the defamatory impression that Mrs. Wiley had called herself an “anesthesiologist” and/or a “medical doctor” and engaged in “title misappropriation.”

69. Mrs. Wiley has suffered and continues to suffer severe emotional and mental distress as a result of Defendant ASA’s defamatory statements. As a result of Defendant ASA’s defamatory statements, Mrs. Wiley was diagnosed with anxiety, depression, and nightmare

disorder, for which she is currently taking medication. In addition, she receives ongoing counseling from a therapist.

70. As a result of Defendant ASA's defamatory statements, Mrs. Wiley has also suffered and continues to suffer harm to her professional reputation, financial loss, and loss of business opportunities.

71. Defendant ASA's statements and/or implications are not protected by any privilege.

72. Defendant ASA's conduct was and is willful, wanton and malicious such that punitive damages should also be awarded.

FOURTH CAUSE OF ACTION
FALSE LIGHT INVASION OF PRIVACY

73. Mrs. Wiley repeats, realleges, and incorporates by reference each and every allegation set forth in Paragraphs 1 through 72, inclusive, as if set forth fully herein.

74. On January 18, 2024, Defendant ASA maliciously uploaded the Instagram Post to its Instagram account, @asa_hq, with a caption stating that "[t]he Real Housewives know a fake. Anesthesiologists are medical doctors with more than 12 years of higher education and up to 16,000 hours of clinical training. Title misappropriation has no place in health care. #RHOBH #anesthesiologist #anesthesiologists #physician[,]" and tagging the post with the well-known abbreviation for *The Real Housewives of Beverly Hills*.

75. Mrs. Wiley was a cast member on *The Real Housewives of Beverly Hills* at the time Defendant ASA published the Instagram Post, and the only member on the show providing health care as a nurse anesthetist. Indeed, viewers of the Instagram Post immediately recognized that the Instagram Post was about Mrs. Wiley.

76. To the extent the trier of fact finds Defendant ASA's statements and/or implications are not defamatory, Mrs. Wiley is informed and believes, and based thereon alleges, that Defendant

ASA intended the statements and/or implications to depict her in a false and sensationalized light in order to generate public hatred, humiliation, shame, and/or vilification towards her, stir public discussion of Defendant ASA and its Instagram Post, and lure engagement to its Instagram account.

77. Defendant ASA's Instagram Post, as noted above, falsely portrays that Mrs. Wiley, a board-certified nurse anesthetist, called herself an "anesthesiologist" and/or a "medical doctor" and engaged in "title misappropriation." As a result of Defendant ASA's deliberate choice, which seems transparently intended to capitalize on the attention Mrs. Wiley and *The Real Housewives of Beverly Hills* receive, thousands of viewers were exposed to a misleading, untrue, and disparaging picture of Mrs. Wiley as someone who called herself an "anesthesiologist" and/or a "medical doctor," and engaged in "title misappropriation," and who was at best dishonest, unethical, and lacked integrity; and at worse, engaged in unlawful conduct. Therefore, the Instagram Post portrayed Mrs. Wiley in a false light, and the false light created by Defendant ASA is highly offensive to reasonable people in Mrs. Wiley's position.

78. Defendant ASA portrayed Mrs. Wiley in a false light knowing that the portrayal was false or with a reckless disregard for its falsity. Defendant ASA intentionally referenced the hashtag "#RHOBH," the well-known abbreviation of *The Real Housewives of Beverly Hills*, on which Mrs. Wiley stated she is a nurse anesthetist and refuted allegations that she had called herself an "anesthesiologist" and/or a "medical doctor." Yet Defendant ASA nonetheless falsely portrayed that Mrs. Wiley called herself an "anesthesiologist" and/or a "medical doctor" and engaged in "title misappropriation." Additionally, despite being corrected by viewers and Mrs. Wiley herself, Defendant ASA never removed the Instagram Post, where it remains publicly viewable to this day, and one of, if not *the* most liked, commented on, and shared post on its account.

79. As a direct and proximate result of the above-described conduct by Defendant ASA, Mrs. Wiley has suffered general and special damages, including damage to her professional reputation, shame, mortification, embarrassment, humiliation, emotional distress, and injury in her occupation. In addition, Mrs. Wiley was diagnosed with anxiety, depression, and nightmare disorder, for which she is currently taking medication. She also receives ongoing counseling from a therapist.

FIFTH CAUSE OF ACTION
INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

80. Mrs. Wiley repeats, realleges, and incorporates by reference each and every allegation set forth in Paragraphs 1 through 79, inclusive, as if set forth fully herein.

81. On January 18, 2024, Defendant ASA maliciously uploaded the Instagram Post to its Instagram account, @asa_hq, with a caption stating that “[t]he Real Housewives know a fake. Anesthesiologists are medical doctors with more than 12 years of higher education and up to 16,000 hours of clinical training. Title misappropriation has no place in health care. #RHOBH #anesthesiologist #anesthesiologists #physician[,]” and tagging the post with the well-known abbreviation for *The Real Housewives of Beverly Hills*.

82. Mrs. Wiley was a cast member on *The Real Housewives of Beverly Hills* at the time Defendant ASA published the Instagram Post, and the only member on the show providing health care as a nurse anesthetist. Indeed, viewers of the Instagram Post immediately recognized that the Instagram Post was about Mrs. Wiley.

83. Defendant ASA, a professional medical organization, exploited its tremendous power and influence in the medical field to publicize false and defamatory information about Mrs. Wiley and destroy Mrs. Wiley’s reputation, including her professional reputation as a nurse anesthetist. Its act of publishing a false and defamatory statements on its official social media

account to thousands of viewers was beyond all bounds of normal decency. Thus, Defendant ASA's conduct was extreme and outrageous.

84. Defendant ASA acted with the intention to cause, or a reckless disregard of the probability of causing, emotional distress. Defendant ASA intentionally referenced the hashtag “#RHOBH,” the well-known abbreviation of *The Real Housewives of Beverly Hills*, on which Mrs. Wiley stated she is a nurse anesthetist and refuted allegations that she had called herself an “anesthesiologist” and/or a “medical doctor.” Yet Defendant ASA nonetheless chose to state and/or imply that Mrs. Wiley, a board-certified nurse anesthetist, called herself an “anesthesiologist” and/or a “medical doctor” and engaged in “title misappropriation.” Such false statements and/or implications at best, portray Mrs. Wiley as dishonest, unethical, and lacking integrity; and at worse, as having engaged in unlawful conduct. As a professional medical organization, Defendant ASA should have known that its false accusations would injure Mrs. Wiley's reputation, including her professional reputation, and would cause Mrs. Wiley shame, mortification, embarrassment, humiliation, and emotional distress.

85. As a direct and proximate result of the above-described conduct by Defendant ASA, Mrs. Wiley did in fact suffer severe emotional distress, including, but not limited to, humiliation, ridicule, and shame, often amplified as it was at times in the presence of her young children. Because of Defendant ASA's intentional or reckless misconduct, Mrs. Wiley was diagnosed with anxiety, depression, and nightmare disorder, for which she is currently taking medication. In addition, she receives ongoing counseling from a therapist.

86. Defendant's conduct was and is willful, wanton and malicious such that punitive damages should also be awarded.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff Annemarie Wiley seeks judgment against Defendant ASA in an amount to be determined at trial as follows:

- A. For compensatory damages relating to past and future loss, past and future economic loss, damage to reputation, damage to business, lost revenues, other economic injury, and emotional distress damages;
- B. For punitive damages;
- C. Reasonable attorneys' fees and costs as allowable by law;
- D. For preliminary or permanent injunctive relief, including removal of the Instagram Post from Defendant ASA's Instagram account, @asa_hq, a public apology to Mrs. Wiley, and retraction of the false and/or defamatory statements made in the Instagram Post;
- E. For such other further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

Mrs. Wiley respectfully demands a trial by jury on all matters decidable by jury.

Date: January 14, 2025

/s/ Edward Casmere

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